

JUDGE JONES

08 CV 00316

5-638570

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE,

Plaintiff,

- against -

NATHEL & NATHEL, INC.,

Defendant.



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant NATHEL & NATHEL, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.

2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.

3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.

5. Thereafter, the goods were carried to the ports of destination and delivered to the consignee and/or its agents.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$6,303.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$6,303.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
January 11, 2008

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

SCHEDULE A

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant NATHEL & NATHEL, INC. was and still is a corporation organized and existing under the laws of the State of New York, with offices and a place of business at 301 Hunts Point Terminal Market, Bronx, NY 10451.

II. Details of shipment(s):

1. Bill of Lading No. 511402373, dated September 8, 2006, from Newark to Valencia on the Vessel SL VALUE, one (1) forty-foot Refrigerated container SAID TO CONTAIN: FROZEN LEMONS & LIMES, at the applicable tariff charge of \$6,303.00 (Exhibit A).

Amount Paid: \$0

Amount Due: \$6,303.00

III. Total Amount Due: \$6,303.00

Shipper NATHEL & NATHIEL INC 301 HUNTSPPOINT MKT TERM BRONX NY 10474		Booking No. 510961156	
		Export reference See Carrier	
		Onward inland routing (not part of bill of lading as defined in clause 1, for accounts and risk of Merchant)	
Consignee (obligations only if consignee "to order", "to order of" a named party or "to order of bearer") MUNDOSOL S.C.L. 03315 LA MURADA MURCIA, SPAIN, TEL 966779799, FAX 966779789		Notify Party (see clause 2) MUNDOSOL S.C.L. 03315 LA MURADA MURCIA, SPAIN, TEL 966779799, FAX 966779789	
Incoterms (see clause 1 - 10) EX VALUE	Package No. 0615	Place of receipt (Applicable only when Accounts used as Multimodal Transport B/L, (see clause 1))	
Port of Loading Newark	Port of Discharge Valencia	Place of Delivery (Applicable only when Accounts used as Multimodal Transport B/L, (see clause 1)) Orizuela	

PARTICULARS FURNISHED BY SHIPPER

Description of goods, Marks and Numbers, Container (No./Seal No.) 1 Container Said to Contain 1 PCK LEMONS, LIME, NON-FROZEN, FRUIT SHIPPED ON BOARD DECLARED CLEAN BY SHIPPER NM PONU4927434 ML NONE 40 REEF 9'6" 1 PCK 26655.000 KGS 40.0000 CBM Temperature: 7.2 C Shipper's Seal: 19527 SHIPPER'S LOAD, STOW, WEIGHT AND COUNT Goods shipped in refrigerated container(s) set at shipper's requested carriage temperature as per above THESE COMMODITIES, TECHNOLOGY, OR SOFTWARE WERE EXPORTED FROM THE UNITED STATES IN ACCORDANCE WITH THE EXPORT ADMINISTRATION REGULATIONS. DIVERSION CONTRARY TO U.S. LAW PROHIBITED.	Weight 26655.000 KGS	Measurement 40.0000 CBM
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B/L NO. 111402373, 111402374, 111402375, 111402376, 111402377, 111402378, 111402379, 111402380, 111402381, 111402382, 111402383, 111402384, 111402385, 111402386, 111402387, 111402388, 111402389, 111402390, 111402391, 111402392, 111402393, 111402394, 111402395, 111402396, 111402397, 111402398, 111402399, 111402400, 111402401, 111402402, 111402403, 111402404, 111402405, 111402406, 111402407, 111402408, 111402409, 111402410, 111402411, 111402412, 111402413, 111402414, 111402415, 111402416, 111402417, 111402418, 111402419, 111402420, 111402421, 111402422, 111402423, 111402424, 111402425, 111402426, 111402427, 111402428, 111402429, 111402430, 111402431, 111402432, 111402433, 111402434, 111402435, 111402436, 111402437, 111402438, 111402439, 111402440, 111402441, 111402442, 111402443, 111402444, 111402445, 111402446, 111402447, 111402448, 111402449, 111402450, 111402451, 111402452, 111402453, 111402454, 111402455, 111402456, 111402457, 111402458, 111402459, 111402460, 111402461, 111402462, 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Freight & Charges	Rate	U-#	Currency	Weight	Value
Handling Charge - Destination	225.00	Per Container	USD		225.00
Handling Charge - Origin	0.00	Per Container	USD	0.00	
Port Security Charge	5.00	Per Container	USD	5.00	
Port Security Charge	5.00	Per Container	EUR		5.00
Port Dues	46.48	Per Container	EUR	46.48	
Carrier Security Charge	6.00	Per Container	USD	6.00	
Total EUR			EUR	46.48	483.00
Total USD			USD	6263.00	265.00
				<u>6,303.00</u>	